



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DIGNA RUIZ, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

Citibank, N.A.,

Defendant

Civ. A. No. 10-cv-5950 (JGK) (RLE)

FREDERICK WINFIELD, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

Citibank, N.A.,

Defendant

Civ. A. No. 10-cv-7304 (JGK) (RLE)

**PROPOSED ORDER**

WHEREAS, Defendant Citibank, N.A. served interrogatories and document requests upon two-hundred-ninety-six (296) Opt-In Plaintiffs, and indicated its intent to serve discovery on each of the remaining Opt-Ins should their claims not be dismissed for lack of timeliness; and

WHEREAS, by letter dated August 2, 2012, Plaintiffs sought a pre-motion conference to obtain a Court order precluding such discovery and instead limiting discovery to a sampling of Opt-Ins; and

WHEREAS, by letter dated August 10, 2012, Defendant opposed Plaintiffs' request to limit discovery to a sampling of Opt-Ins; and

WHEREAS, the Court held a status conference with the parties on August 30, 2012,

AND NOW, therefore, it is hereby ORDERED this 15<sup>th</sup> day of October, 2012 that Plaintiffs' request to preclude discovery from each of the Opt-In Plaintiffs is GRANTED as set

forth herein. Discovery from the current Opt-In Plaintiffs during the current phase of discovery will be limited to a sampling of opt-ins, which phase is directed at Plaintiffs' anticipated motion for class certification under Rule 23, and Defendant's anticipated motion for decertification of the FLSA collective action. The parties reserve all rights to seek or oppose discovery or particular requests directed at the Opt-In Plaintiffs (or third parties relating to the Opt-In Plaintiffs) subject to the sampling during this phase of discovery. The parties will negotiate the terms of the sampling and promptly raise any disputes to the Court. This Order is WITHOUT PREJUDICE to the parties' rights to seek discovery from parties and individuals other than the Opt-In Plaintiffs (or third parties relating to the Opt-In Plaintiffs outside of the sampling group), and WITHOUT PREJUDICE to Defendant's right to seek discovery from individual opt-ins or others following the Court's ruling on the above-referenced motions, and any disputes regarding such discovery requests will be considered at that time.

SO ORDERED this 15<sup>th</sup> day of October 2012  
New York, New York



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The Honorable Ronald L. Ellis  
United States Magistrate Judge